

Application Serial No. 09/982,530
Atty. Docket No. 60001.0097US01/MS172025.1

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-11, 19, and 20 were pending in the application, of which Claims 1 and 5 are independent. In the Office Action dated April, 6, 2006, Claims 1-11, and 19, and 20 were rejected under 35 U.S.C. §112, and Claims 1-11, 19, and 20 were rejected under 35 U.S.C. §103(a). Following this response, Claims 1-8, 10, 11, 19, and 20 remain in this application. Claim 9 is canceled without prejudice or disclaimer. Applicants hereby address the Examiner's rejections in turn.

Substance of Interview Summary

A telephonic interview occurred between the undersigned, Murrell Blackburn and Examiner David E. England on Friday, July 7, 2006. The interview covered the rejections to claims 1, 3, 4, 6, 19 and 20 under 35 U.S.C. 103(a) as being unpatentable over Terry, U.S. Patent No. 6,961,765 (hereinafter Terry) in view of Gruyer et al., U.S. Publication No. 2002/0112048 (hereinafter Gruyer). The interview also covered the rejection to claims 2 and 5 under 35 U.S.C. 103(a) as being unpatentable over Terry and Gruyer and further in view of Burgess et al., U.S. Patent No. 5,796,633 (hereinafter Burgess).

The undersigned pointed out to the Examiner that Godfrey qualifies as potential prior art only under 35 U.S.C. §102(e). In addition, the subject matter of Godfrey and the presently claimed invention were, at the time the invention was made, subject to an obligation of assignment to the same entity: MICROSOFT CORPORATION. Accordingly, 35 U.S.C. §103(c) applies and prohibits Godfrey from precluding patentability, thus the rejection of Claims 9-11 under 35 U.S.C. § 103(a) is rendered moot. Further, the Applicants have incorporated the claim elements of Claim 9 into both independent Claims 1 and 5. Thus, the undersigned submitted that at least because Terry in view of Gruyer, Burgess, Jawahar, & Floetz does not disclose opening an Active Data Object (ADO) session with the remote server system and placing the logging file into an ADO database record set, amended independent Claims 1 and 5 are allowable over the cited references.

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The Examiner indicated that the amendment and remarks would likely overcome the prior art of record but would require further search to determine patentability. Specifically, the Examiner indicated that the arguments made by the undersigned have merit, however further examination and/or search is still required. This written response is thus, submitted in follow-up to the telephonic interview for consideration by the Examiner, as it is believed to have placed the application in condition for allowance. Should the Examiner send another Office Action based on new art, Applicants respectfully request another interview to determine what claim amendments would be sufficient for a notice of allowance.

Claim Rejections - 35 U.S.C. § 112

Claims 1-11, 19, and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Claims 1 and 5 have been amended pursuant to Examiner's suggestions to address the rejection, and Applicants submit that the amendments overcome the rejection and add no new matter. Applicants also respectfully submit that Claims 1 and 5 are in condition for allowance.

Regarding Claims 2-8, 10, 11, 19, and 20, Applicants submit that Claims 2-8, 10, 11, 19, and 20 are in condition for allowance by virtue of their dependency on amended Claims 1 and 5. Accordingly, Applicants respectfully request reconsideration of the rejection to the Claims 1-8, 10, 11, 19, and 20.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 3, 4, 6, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terry, U.S. Patent No. 6,961,765 (hereinafter Terry) in view of Gruyer et al., U.S. Publication No. 2002/0112048 (hereinafter Gruyer).

Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terry and Gruyer and further in view of Burgess et al., U.S. Patent No. 5,796,633 (hereinafter Burgess).

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Claim 7 is rejected under 35 U.S.C.. 103(a) as being unpatentable over Terry, Gruyer, and Burgess in further view of Jawahar et al., U.S. Patent No. 6,256,620 (hereinafter Jawahar).

Claim 8 is rejected under 35 U.S.C.. 103(a) as being unpatentable over Terry, Gruyer, Burgess, and Jawahar as applied to claims 5-7 above, and in view of Ploetz et al., U.S. Patent No. 6,738,798 (hereinafter Ploetz).

Claims 9-11 are rejected under 35 U.S.C.. 103(a) as being unpatentable over Terry, Gruyer, Burgess, Jawahar, and Ploetz as applied to claims 1-3 and 5-8 above, and in view of Godfrey et al., U.S. Patent No. 6,662,217 (hereinafter Godfrey).

Godfrey qualifies as potential prior art only under 35 U.S.C. §102(e). In addition, the subject matter of Godfrey and the presently claimed invention were, at the time the invention was made, subject to an obligation of assignment to the same entity: MICROSOFT CORPORATION. The assignment of Godfrey was recorded in the USPTO on January 18, 1999, on Reel 009716, Frame 0735. The assignment of the present case was recorded in the USPTO on February 6, 2002, on Reel 012563, Frame 0849. Accordingly, 35 U.S.C. §103(c) applies and prohibits Godfrey from precluding patentability, thus the rejection of Claims 9-11 under 35 U.S.C. § 103(a) is rendered moot. Applicants respectfully request withdrawal of this rejection of Claims 9-11.

Regarding independent Claims 1 and 5, Applicants have incorporated the claim elements of Claim 9 into both independent Claims 1 and 5. Accordingly, Applicants respectfully submit that independent Claims 1 and 5 are in condition for allowance based on the preceding remarks regarding Claims 9-11. At least because Terry in view of Gruyer, Burgess, Jawahar, & Ploetz does not disclose opening an Active Data Object (ADO) session with the remote server system and placing the logging file into an ADO database record set, amended independent Claims 1 and 5 are allowable over the cited references. (See Office Action, page 10, lines 2-6). Should the Examiner send another Office Action based on new art, Applicants respectfully request another interview to determine what claim amendments would be sufficient for a notice of allowance.

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Dependent Claims 2-4, 6-8, 10, 11, 19, and 20 are also allowable at least for the reasons described above regarding independent Claims 1 and 5, and by virtue of their respective dependencies upon independent Claims 1 and 5. Accordingly, Applicant respectfully requests withdrawal of this rejection of dependent Claims 2-4, 6-8, 10, 11, 19, and 20.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.


Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,

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